

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

VS.

MATTHEW KAYS

SSN: *-**-8969**

Defendant,

and

ADVANCED CHIROPRACTIC & REHABILITATION

Garnishee.

CASE NO: 1:11-CV-663
MAGISTRATE LITKOVITZ

**FINAL GARNISHMENT ORDER AND JUDGMENT AGAINST ADVANCED
CHIROPRACTIC AND REHABILITATION CENTER, LLC**

On December 12, 2018 a Writ of Continuing Garnishment (“Writ”) was duly issued to the Garnishee, Advanced Chiropractic & Rehabilitation (“Garnishee”) (Doc 20). The Writ was served upon the Garnishee on December 20, 2018 (Doc 22).

Pursuant to the Writ, the Garnishee failed to file an Answer. On May 4, 2021 Plaintiff filed a Motion Requiring Garnishee to Appear and Answer (Doc 26). On June 1, 2021 this Court entered an Order setting a hearing date on Garnishee's failure to answer (Doc 27).

On July 8, 2021 a hearing was held. Plaintiff appeared through Counsel. Garnishee's statutory agent, who is also the defendant, appeared. Matters were discussed on the record. A payment of \$400 was received in October, 2021, followed by \$1200 received on December 29, 2021. No further payments have been received.

To date, Garnishee has not filed a proper Answer to the Writ (Doc. 20).

11 U.S.C. 3205(c)(6) provides “[i]f the garnishee fails to appear, or appears and fails to show good cause why the garnishee failed to comply with the writ, the court shall enter judgment against the garnishee for the value of the judgment debtor’s nonexempt interest in [property subject to the writ] (including nonexempt disposable earnings).”

IT IS ORDERED that Garnishee pay twenty-five percent (25%) of the Defendant's disposable earnings (less any court-ordered child support) to Plaintiff and continue said payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession or control of any property belonging to the debtor or until further Order of this Court.

IT IS FURTHER ORDERED that the Garnishee pay to the Plaintiff the total amount of disposable earning withheld by the Garnishee or that should have been so withheld from the date of the issuance of the Writ of Continuing Garnishment until the date of this Order.

IT IS FURTHER ORDERED that judgment is entered in favor of the United States of America and against Advanced Chiropractic and Rehabilitation Center, LLC in the principal amount of \$127,932.40 together with interest from the date of the entry of this order at the rate of 4.25 percent per annum and costs.

Dated 6/3/2024


UNITED STATES MAGISTRATE JUDGE